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Cause No. 06-03128

00418

JOHN R. MURPHY, *et al*

Plaintiffs,

vs.

JOSHUA FINANCIAL CORPORATION, *et al*

Defendants.

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IN THE DISTRICT COURT

OF DALLAS COUNTY, TEXAS

193<sup>RD</sup> JUDICIAL DISTRICT

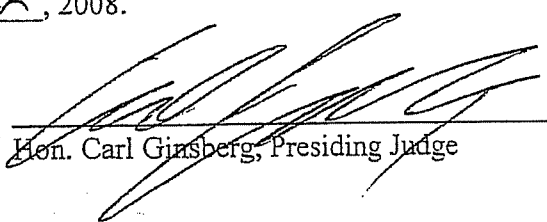
**ORDER ON PLAINTIFFS' AND INTERVENORS' MOTION  
FOR PARTIAL SUMMARY JUDGMENT REGARDING  
MILLENNIUM DEFENDANTS' ERISA PREEMPTION DEFENSE**

On August 28, 2008, came on for hearing the above referenced Motion and all affected parties appeared by attorney and announced ready.

Upon consideration of the Motion, the evidence, the briefing and the argument of counsel, the Court finds Plaintiffs' and Intervenor's Motion should be, and hereby is, GRANTED.

It is the Court's judgment that the Millennium Multiple Employer Welfare Benefit Plan ("Millennium") does not qualify as an "employee welfare benefit plan" under 29 USC §1002(1) and that the ERISA preemption defense pled by Millennium, Millennium Marketing Group, LLC, Norman H. Bevan and Innovus Financial Solutions, Inc. is not applicable in this case.

So ORDERED on September 12, 2008.

  
Hon. Carl Ginsberg, Presiding Judge

**EXHIBIT V**

**CIV-09-01243-F**